
**THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

RUSSELL G. GREER,

Plaintiff,

v.

JOSHUA MOON, et. al.

Defendants.

TAXATION OF COSTS

Case No: 2:20-cv-00647-DBB

District Judge David Barlow

On December 12, 20223, the Tenth Circuit Court of Appeals reversed the judgment that was entered in favor of Defendants.¹ Plaintiff, in his Appellate Rule 39(e) Bill of Costs,² requests \$58.77 for the preparation and transmission of the records and \$505.00 for the filing fee.³ Defendants have not responded to the Bill of Costs and the time for doing so has expired.⁴

Fed. R. App. 39(e)(1) permits the district court to tax costs for preparation and transmission of the record and therefore \$58.77 will be taxed. Separately, the Tenth Circuit Court of Appeals awarded Plaintiff \$225.25 for costs associated with the opening brief, reply, brief, and appendix, which will be added to the costs addressed here. For the filing fee, Plaintiff is proceeding in forma pauperis. In turn, the filing fee was waived, and it was not actually paid. Therefore, requiring a non-prevailing on appeal to pay a sum that was never actually paid is illogical.⁵

¹ Docket No. 53.

² Docket No. 48.

³ *Id.*

⁴ Any objection to a Bill of Costs must be filed within fourteen days. DUCivR 54-2(b)(2)(C)(i); *see also* Fed. R. App. 39(d)(2).

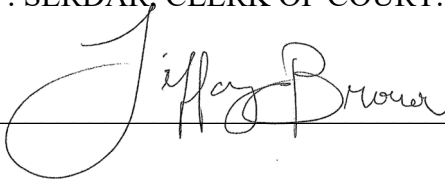
⁵ *See generally United States of America v. Charles A. Orenic*, 110 F.R.D. 584, 587 (W.D. VA. 1986).

According, total appellate costs allowed are \$284.02.

DATED this 26th day of December, 2023.

GARY P. SERDAR, CLERK OF COURT:

By: _____

A handwritten signature in cursive script, appearing to read "Jiffy Brewer", is written over a horizontal line.